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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,576	07/08/2003	Terry A. Kingsmore JR.	16356.811 (DC-05083)	8991
27683 7590 12/24/2008 HAYNES AND BOONE, LLP IP Section 2323 Victory Avenue Suite 700 Dallas, TX 75219				
EXAMINER				
TRAN, CON P				
ART UNIT		PAPER NUMBER		
2614				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/615,576

**Applicant(s)**

KINGSMORE ET AL.

**Examiner**

CON P. TRAN

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/07/08 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell et al. U.S. Patent 5,825,616 (hereinafter, "Howell") in view of Viletto U.S. Patent 5,475,626, and further in view of Hosoi et al. (hereinafter, "Hosoi") U.S. Patent 5,210,681.

Regarding **claim 11**, Howell teaches battery (including extra battery pack, col. 1, lines 58-59) operable to provide power to a portable device of an information handling system (portable computers, col. 1, lines 49-50), the battery comprising:

a battery (i.e., including extra battery pack, col. 1, lines 58-59) housed in a battery housing (i.e., in the portable computer housing since "a battery" including a standard battery and an extra battery pack which is media module 101, Fig. 2 when extra battery pack being held in media bay as media module 101, Fig. 2, col. 3, lines 22-46) having mechanical latching mechanisms used to retain a media module in a media bay (col. 1, lines 65-67) wherein the battery is removable to define a selective portion (which is the entire portion of the extra battery pack) of the battery housing and to create a space to receive a speaker (the media bay flexibly holds one or more removable electronic devices or media modules such as a set of speakers, or extra battery pack; see col. 1, lines 49-62, also see media module 101, Fig. 2, col. 3, lines 22-46; i.e., remove battery "module"); and

a speaker assembly (i.e., set of speaker, col. 1, lines 58-59) housed in a speaker container (i.e., in speaker "module" col. 1, lines 56-62), wherein the speaker container (i.e., in media module) is installable in the selective portion created by the space (i.e., media bay), wherein dimensions of the battery housing (i.e., dimensions of the portable computer housing) having the speaker container installed in the selective portion (at media bay 201, Fig. 2) are substantially unchanged since media bay holds one or more media modules, e.g., battery and speaker; the battery is replaced by the speaker assembly in the media bay; see col. 1, lines 49-62).

Howell also discloses a space or notch (513, Fig. 5; i.e., slot) in the back wall (518, Fig. 5); space (513) is large enough for the locking head (504, Fig. 5; i.e., latch) to penetrate the back wall (518) of the media module (101, Fig. 5; see also Fig. 6; col. 5, lines 53-65). Howell further discloses the location of the locking head (504, Fig. 5; i.e., latch) with respect to media module may be varied so that the locking head (504, Fig. 5; i.e., latch) may not be required to penetrate the media module (101, Figs. 5, 6; col. 5, lines 56-59).

However, Howell does not explicitly specify slots are on battery housing; and latches are on the speaker container.

Hosoi discloses an expansion device (col. 1, lines 11-14) connected to a lap-top type personal computer (Fig. 2, col. 4, lines 41-45) in which battery pack (10, Figs. 3, 4) includes engaging projections (12, Figs. 3, 4; i.e., latches) which are inserted into the engaging holes (6, Figs. 3, 4, i.e., slots) respectively (col. 5, lines 42-48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the latches, holes taught by Hosoi to the speaker assembly, battery housing of Howell, respectively; and it would have been recognized by one of ordinary skill in the art that applying the known technique taught by Hosoi to the information handling system of Howell would have yielded predictable results and resulted in an improved system that would positively latch the speaker container to the battery housing as claimed for purpose of being able easily attaching and removing, as suggested by Hosoi in column 2, lines 51-52.

Howell in view of Hosoi does not explicitly disclose the battery comprising a plurality of cells; less than all of the cells included in the plurality of cells are removable to define a selective portion of the battery housing and create a space to receive a speaker. Viletto discloses a portable computer in which the battery pack (87, Figs. 1, 4, 6, 10) including removable batteries cells (88, Figs. 1, 4, 6, 10; col. 4, lines 26-32).

Nevertheless, it would have been obvious to one of ordinary skill in the art at the time the invention was made, those of ordinary skill in the art when facing a design need of providing less than all of the cells included in the plurality of cells are removable to define a selective portion of the battery housing and create a space to receive a speaker for the information handling system would have recognized and would have been obvious to try to modified the battery housing of Howell in view of Hosoi with the removable batteries cells taught by Viletto such that to remove less than all of the plurality of cells and to create a space to receive a speaker without changing the dimensions of the battery housing as claimed since there are a finite number of identified, predictable potential solutions (i.e., remove all of the cells, remove a portion of the plurality of cells) to the recognized need (i.e., modifying), and one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success. The motivation is for purpose of being powered reliably using a pack of rechargeable batteries, as suggested by Viletto in column 1, lines 31-33.

Regarding **claim 12**, Howell in view of Hosoi and further in view of Viletto teaches the battery of claim 11. Viletto, as modified further teaches comprising: a

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terminal connector assembly having a plurality of electrical connectors, wherein the battery is electrically coupled to a first portion of the plurality of the electrical connectors for providing the power (converter 91, Fig. 3), wherein the speaker assembly is electrically coupled to a second portion of the plurality of the electrical connectors for receiving an audio output signal generated by the device (terminal of speaker 104, Fig. 3), and wherein the first portion and the second portion are electrically isolated (see Fig. 3).

Regarding **claim 13**, Howell in view of Hosoi and further in view of Viletto teaches the battery of claim 11. Howell in view of Hosoi and further in view of Viletto, as modified, further teaches wherein the speaker assembly being capable of including a speaker operable to output sound having a frequency range from about 20 Hertz to about 120 Hertz (set of speakers, see Howell col. 1, lines 54-62).

Regarding **claim 14**, Howell in view of Hosoi and further in view of Viletto teaches the battery of claim 13. Viletto, as modified, further teaches wherein an audio card (including 107, 101, Fig. 3) of the portable device is electrically coupled to the speaker (see col. 4, lines 6-16).

Regarding **claim 15**, Howell in view of Hosoi and further in view of Viletto teaches the battery of claim 13. Howell in view of Viletto, as modified, further teaches wherein the speaker container substantially matches a form factor of the selective

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portion, wherein a base of the speaker container includes an opening, the opening substantially matching dimensions of the speaker (modules, see Howell col. 4, lines 6-16; see also Viletto col. 10, lines 17-22, e.g., space optimization, be able to accommodate).

Regarding **claim 16**, Howell in view of Hosoi and further in view of Viletto teaches the battery of claim 13. Howell in view of Hosoi and further in view of Viletto, as modified, further teaches wherein a volume of the speaker container is sufficient to produce the output sound having the frequency range from about 20 Hertz to about 120 Hertz (i.e., capable of powering the electronic unit 34 via a power supply control circuit 89 in order to power the various functions of the computer 31, see Viletto, col. 3, lines 35-38).

Regarding **claim 17**, Howell in view of Hosoi and further in view of Viletto teaches the battery of claim 11. Howell in view of Hosoi and further in view of Viletto, as modified, further teaches wherein the battery housing and the speaker container comprises a plastic material (see Viletto, col. 5, lines 8-10).

Regarding **claim 18**, Howell in view of Hosoi and further in view of Viletto teaches the battery of claim 11. Howell in view of Hosoi and further in view of Viletto, as modified, further teaches wherein the installation of the speaker assembly in the portable device does not affect other components included in the portable device except



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for the predefined number of cells (since it is a module, see Howell, col. 1, lines 53-62; item 101, Fig. 2. It is noted that extra battery pack in the media bay is a portion of "a battery" in which a standard battery is another portion.)

Regarding **claim 19**, Howell in view of Hosoi and further in view of Viletto teaches the battery of claim 11. Howell in view of Hosoi and further in view of Viletto, as modified, further teaches wherein the installation of the speaker assembly in the portable device does not affect an overall size of the portable device (since it is a module, see Howell, col. 1, lines 53-62; item 101, Fig. 2).

Regarding **claim 20**, Howell in view of Hosoi and further in view of Viletto teaches the battery of claim 11. Howell in view of Hosoi and further in view of Viletto, as modified, further teaches wherein the portable device is defined to include the speaker assembly as an option (flexibly holds one or more removable electronic devices or media modules, see Howell, col. 1, lines 53-62; item 101, Fig. 2; see also Viletto, col. 7, lines 36-40).

Regarding **claims 1-10**, these claims merely reflect the method to the apparatus claim of claims 11-20 and are therefore rejected for the same reasons.

Regarding **claim 21**, Claim 21 is also met in view of claim 1 since Claim 21 is an application of Claim 1 in an information handling system. In addition, Howell in view of Hosoi and further in view of Viletto disclose information handling system (see Howell, portable computers 110, Fig. 1; col. 1, lines 49-50) comprising:

a processor (see Howell, col. 12, lines 5-6);

a system bus (see Howell, system board electrical connector 214, Fig. 2; col. 3, lines 61-64);

a memory coupled to the processor through the system bus (see Howell, col. 1, lines 16-26);

an audio card coupled to the processor and the memory through the system bus (see Viletto, including 107, 101, Fig. 3 col. 4, lines 6-16);

a battery system (see Viletto, battery pack 87 Fig. 3) operable to provide power to the processor, the bus and the memory (see Viletto, col. 3, lines 8-16), the battery being connectable to an AC adapter for deriving power from an AC power source (see Viletto, external power unit 93, Figs. 3, 4; charging battery, col. 3, lines 50-52).

Regarding **claim 22**, this claim has similar limitations as Claim 6. Therefore it is interpreted and rejected under Howell in view of Hosoi and further in view of Viletto for the reasons set forth in the rejection of Claim 6.

Regarding **claim 23**, this claim has similar limitations as Claim 21. Therefore it is interpreted and rejected under Howell in view of Hosoi and further in view of Viletto for the reasons set forth in the rejection of Claim 21. It is noted that Howell in view of Viletto discloses microprocessor (61, Fig. 3) obviously mounted in a chassis (common earth, col. 4, lines 33-38), and coupled to storage (DRAM 62, Fig. 3).

### ***Response to Arguments***

4. Applicant's arguments filed November 7, 2008 have been fully considered but they are not persuasive.

Regarding Applicants argument that "[t]here is absolutely no teaching or suggestion in the cited and applied art which obviates a battery housing having less than all of the cells removed to create a speaker space[]", examiner respectfully disagrees. As presented above in the Office Action, it would have been obvious to one of ordinary skill in the art at the time the invention was made, those of ordinary skill in the art when facing a design need of providing less than all of the cells included in the plurality of cells are removable to define a selective portion of the battery housing and create a space to receive a speaker for the information handling system would have recognized and would have been obvious to try to modified the battery housing of Howell in view of Hosoi with the removable batteries cells taught by Viletto such that would have removed less than all of the plurality of cells and to create a space to receive a speaker without changing the dimensions of the battery housing as claimed

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since there are a finite number of identified, predictable potential solutions (i.e., remove all of the cells, remove a portion of the plurality of cells) to the recognized need (i.e., modifying), and one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success. The motivation is for purpose of being powered reliably using a pack of rechargeable batteries, as suggested by Viletto in column 1, lines 31-33.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CON P. TRAN whose telephone number is (571)272-7532. The examiner can normally be reached on M - F (08:30 AM - 05:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor VIVIAN C. CHIN can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/CPT/

December 24, 2008

/Vivian Chin/

Supervisory Patent Examiner, Art Unit 2614